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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,634	01/21/2004	Raghavan Rajagopalan	MRD-69DV (1485.1 US)	3347
27805	7590	11/20/2007		
THOMPSON HINE L.L.P. Intellectual Property Group P.O. BOX 8801 DAYTON, OH 45401-8801			EXAMINER SAUNDERS, DAVID A	
			ART UNIT 1644	PAPER NUMBER
			MAIL DATE 11/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/761,634	<b>Applicant(s)</b> RAJAGOPALAN ET AL.	
	<b>Examiner</b> David A. Saunders	<b>Art Unit</b> 1644	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☒ Applicant's reply has overcome the following rejection(s): see attached.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: 17, 19-21 and 31.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-7 and 30.  
 Claim(s) withdrawn from consideration: 28 and 29.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13. ☐ Other: \_\_\_\_\_.

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Upon filing of a Notice of Appeal, the amendment of 10/25/07 will be entered. Entry thereof will overcome the following issues:

- 1) the 112, 2<sup>nd</sup> issue pertaining to claim 1, step g), regarding the recitation of "conjugate of step e)".
- 2) the 112, 2<sup>nd</sup> rejection concerning the nature of the composition of claim 17.
- 3) the objection to claim 17 for informalities.
- 4) the 112, 1<sup>st</sup> rejection of claim 1, pertaining to step d).
- 5) the 112, 1<sup>st</sup> rejection of claim 1, pertaining to step e). The rejection will be withdrawn, since "from the anti-idiotypic antibodies" will have been deleted in step e).

Upon entry of the amendment of 10/25/07, the following rejections will be maintained:

- 1) the 112, 2<sup>nd</sup> issue pertaining to claim 1, step g), regarding the recitation of "effective concentration". Applicant appears to have misunderstood the rejection. The examiner is not requiring applicant to enter any specific concentration or range of concentrations. The examiner is, however, requiring applicant to enter a function — that is, to state "effective for a function", similar to the manner in which one recites "means for a function" in an apparatus claim. In the instant case, it appears that the intended "function" would be —for accumulating at a target site--.
- 2) the 112, 1<sup>st</sup> rejection of claim 2. Applicant's urgings that any ligand will work are unconvincing. Applicant's urgings are base upon a general dictionary definition of the term "ligand". While a generic receptor would be capable of binding a ligand that falls within one of the subgenus categories recited in claim 2, the ST receptor, in particular, is only known in the art as being capable of binding to peptides. In other words, when the nature of the receptor recited in the base claim is narrowed, it is also necessary to narrow whatever is recited in the dependent claims, when what is recited must be functionally related to the receptor of the base claim (i.e. as a "ligand" is).
- 3) the 112, 1<sup>st</sup> rejection of claim 7. Applicant's urgings that any target site containing the ST receptor will work is true. If the examiner did not concur, then the rejection would have been stated as one of scope for claim 1, which encompasses a method involving "any target site containing the ST receptor". Applicant may not, however, present a dependent claim which recites numerous specific target sites which have not been shown to contain an ST receptor, and which one of skill would have no reason to expect as being those which would contain an ST receptor.

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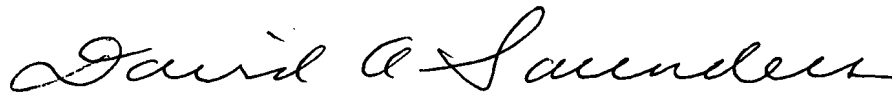
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Applicant is reminded that withdrawn claims 28-29 must be cancelled.

Any inquiry concerning this communication should be directed to David A. Saunders at  
telephone number 571-272-0849.

Typed 11/19/07 DAS

A handwritten signature in cursive script that reads "David A. Saunders".

DAVID A. SAUNDERS  
PRIMARY EXAMINER